



U.S. Department  
of Transportation

400 Seventh Street, S.W.  
Washington, D.C. 20590

**Pipeline and  
Hazardous Materials  
Safety Administration**

**SEP 14 2005**

DOT-E 14245

EXPIRATION DATE: December 31, 2005

1. GRANTEE: Airgas, Inc.  
Cheyenne, WY
2. PURPOSE AND LIMITATION:
  - a. This emergency exemption authorizes the transportation in commerce of certain cylinders containing hazardous materials that have had DOT hazard communication marking and labeling removed as a result of Hurricane Katrina. This exemption only authorizes those cylinders to be transported one-way, from the Hurricane Katrina disaster areas, to a local gas plant facility in order to identify the contents for proper re-marking and re-labeling, or disposal of the cylinders. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Subparts B, C, D, E and F of Part 172, except as specified herein.
5. BASIS: This emergency exemption is based on the application of Airgas, Inc., dated September 15, 2005 submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and the environment.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Hazardous Materials listed in 49 CFR that are authorized in DOT Specification Cylinders	2.1, 2.2 and 2.3	As appropriate	n/a

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - Packagings are cylinders that have had hazard warning labels and markings removed as a result of weather conditions related to Hurricane Katrina.
- b. OPERATIONAL CONTROLS - The cylinders will be placed in vehicles owned and operated by Airgas, Inc.
- c. The driver of the motor vehicle must be trained in the hazards associated with the hazardous materials being transported and be knowledgeable in the appropriate emergency response procedures.
- d. The driver of the motor vehicle must have the capability to contact the plant and appropriate emergency response in the event of accident or emergency involving the hazardous materials being transported.
- e. The cylinders must be properly blocked and braced in the vehicle to prevent movement during transportation.

8. SPECIAL PROVISIONS: Each motor vehicle must be placarded with Division 2.1 Flammable gas placards.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

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11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.



Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

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DATE

Address all inquiries to: Associate Administrator for Hazardous  
Materials Safety, Pipeline and Hazardous Materials Safety  
Administration, Department of Transportation, Washington, D.C.  
20590. Attention: PHH-31.

Copies of this exemption may be obtained by accessing the  
Hazardous Materials Safety Homepage at  
<http://hazmat.dot.gov/exemptions> Photo reproductions and  
legible reductions of this exemption are permitted. Any  
alteration of this exemption is prohibited.

PO: AM